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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,414	02/23/2004	Zhen Fu	RSW920030272US1	1858

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EXAMINER

SHECHTMAN, SEAN P

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/784,414	Applicant(s) FU, ZHEN	
	Examiner Sean P. Shechtman	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-30 are presented for examination.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the data specific to each landscaping element (claim 2), the data specific to the type of landscaping element (claim 3), the name of each landscaping element (claim 4), the data specific to the age of each landscaping element (claim 5), the data specific to the recommended moisture level for said landscaping elements (claim 6), the data specific to the soil type(s) in which the landscaping elements are planted (claim 7), the weather data indicating that a temperature that the landscaping area has reached a predetermined threshold temperature (claim 8), the weather data indicating a temperature that the landscaping area has been forecasted to reach a predetermined threshold temperature (claim 9), a residence located on the landscaping area (claim 10), the processor located within the residence (claim 10), weather data obtained from sensors (claim 11), the Internet (claim 13), wirelessly access to said weather and moisture and landscaping-care data (claim 18), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes

made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The abstract of the disclosure is objected to because the last line is unclear. Correction is required. See MPEP § 608.01(b).
4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. See page 10 of the instant specification.
5. The use of the trademarks Internet, Google (See page 10 of the instant specification) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2-7 and 20-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2 and 20 recite the limitation "each landscaping element" in line 2. Claims 3 and 21 recite the limitation "each landscaping element" in lines 1-2. Claims 4 and 22 recite the limitation "each landscaping element" in lines 1-2. Claims 5 and 23 recite the limitation "each landscaping element" in lines 1-2. Claims 5 and 23 recite the limitation "at least one of said landscaping elements" in line 2. Claims 6 and 24 recite the limitation "each landscaping element" in lines 1-3. Claims 6 and 24 recite the limitation "at least one of said landscaping elements" in lines 2-3. Claims 7 and 25 recite the limitation "each landscaping element" in lines 1-2. Claims 26 and 27 recite the limitation "all moisture delivery systems" in line 2. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 19, and 20 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,646,224 to Ransburg.

Referring to claims 1 and 19, Ransburg teaches a moisture control system for a landscaping area (Abstract, Col. 1, lines 11-27), comprising:

a moisture delivery system controllable to provide moisture to the landscaping area (Col. 4, lines 29-47); and

a moisture control processor (Col. 15, line 18 – Col. 16), coupled to said moisture delivery system, configured with (Col. 18, lines 40-60):

weather data for the landscaping area (Col. 3, lines 36-44; Col. 8, lines 52-58; Col. 36, lines 8-25);

moisture data for the landscaping area (Col. 18, lines 25-39); and

landscaping-care data for the landscaping area (Col. 12, line 65 – Col. 13, line 2);

whereby said moisture delivery system is controlled by said moisture control processor to deliver moisture and/or cease delivery of moisture to the landscaping area based on said weather, moisture, and/or landscaping-care data (Col. 12, line 65 – Col. 13, line 2).

Referring to claims 2 and 20, Ransburg teaches the method of claim 19, wherein said landscaping-care data includes data specific to each landscaping element in said landscaping area (Col. 12, line 65 – Col. 13, line 2).

8. Claims 1-4, 11, 12, 14-16, 18-22, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,479,339 to Miller (See IDS filed 2/23/04).

Referring to claims 1 and 19, Miller teaches a moisture control system for a landscaping area (Col. 1, lines 7-12), comprising:

a moisture delivery system controllable to provide moisture to the landscaping area (Col. 1, lines 7-12; Col. 4, lines 3-64); and

a moisture control processor (Col. 5, lines 41- - Col. 6, line 6), coupled to said moisture delivery system, configured with:

weather data for the landscaping area (Col. 3, lines 8-34; Col. 6, lines 1-6);

moisture data for the landscaping area (Col. 3, lines 8-34); and

landscaping-care data for the landscaping area (Col. 2, lines 14-16);

whereby said moisture delivery system is controlled by said moisture control processor to deliver moisture and/or cease delivery of moisture to the landscaping area based on said weather, moisture, and/or landscaping-care data (Col. 3, lines 8-34; Col. 5, lines 13-33; Col. 10, lines 55-60).

Referring to claims 2 and 20, Miller teaches the method of claim 19, wherein said landscaping-care data includes data specific to each landscaping element in said landscaping area (Col. 5, lines 14-33).

Referring to claims 3 and 21, Miller teaches the method of claim 20, wherein said data specific to each landscaping element further includes the type of landscaping element (Col. 5, line 30).

Referring to claims 4 and 22, Miller teaches the method of claim 21, wherein said data specific to each landscaping element further includes the name of each landscaping element (Col. 5, line 30).

Referring to claims 11 and 29, Miller teaches the method of claim 19, wherein said weather data is obtained from sensors located within the landscaping area (Col. 6, lines 17-24).

Referring to claims 12 and 30, Miller teaches the method of claim 19, wherein said weather data is obtained from one or more weather databases accessible to said moisture control processor (Col. 12, lines 6-20; Col. 3, lines 9-16).

Referring to claim 14, Miller teaches the system of claim 1, wherein said moisture data is obtained from one or more moisture sensors situated in the landscaping area (Col. 5, lines 13-18).

Referring to claim 15, Miller teaches the system of claim 1, wherein said landscaping-care data is obtained from one or more landscaping databases accessible to said moisture control processor (Col. 13, lines 15-22; Col. 3, lines 9-16).

Referring to claim 16, Miller teaches the system of claim 15, wherein at least one of said one or more landscaping databases is a local database maintained by a user of the moisture delivery system (Col. 10, lines 55-67; Col. 3, lines 9-16).

Referring to claim 18, Miller teaches the system of claim 1, wherein said moisture control processor comprises a personal computer configured to wirelessly access said weather, moisture and/or landscaping-care data (Col. 4, lines 60-67; Fig. 3, element 28 and 26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,646,224 to Ransburg as applied to claims 1 and 19 above, and further in view of U.S.

Pat. No. 5,706,191 to Bassett *or* U.S. Pub. No. 2003/0126295 to Doherty (See IDS filed 2/23/04). Claims 10 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,479,339 to Miller (See IDS filed 2/23/04) as applied to claims 1 and 19 above, and further in view of U.S. Pat. No. 5,706,191 to Bassett *or* U.S. Pub. No. 2003/0126295 to Doherty (See IDS filed 2/23/04).

Referring to claims 10 and 28, Miller teaches a laptop computer (Col. 5, lines 41-60 of '339).

Referring to claims 10 and 28, Ransburg and Miller teach all the limitations disclosed above, however, Ransburg and Miller fail to teach that said landscaping area has a residence located thereon and wherein said moisture control processor is located within said residence.

However, referring to claims 10 and 28, Bassett teaches analogous art, wherein landscaping area has a residence located thereon and wherein a moisture control processor is located within said residence (Abstract; Col. 1, lines 10-41 of '191).

However, referring to claims 10 and 28, Doherty teaches analogous art, wherein landscaping area has a residence located thereon and wherein a moisture control processor is located within said residence (Abstract; Claims 1-28 of '295).

The examiner respectfully asserts that the shifting of location of parts is well within the level of one of ordinary skill in the art In re Japikse, 181 F.2d 1019, 1023, 86 USPQ 70, 73, (CCPA 1950).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to combine the teachings of either Bassett *or* Doherty with the teachings of either Ransburg or Miller.

One of ordinary skill in the art would have been motivated to combine Bassett with the teachings of either Ransburg or Miller, because Bassett teaches an automated residence management and communication system (Col. 2, lines 47-48 of '191). Furthermore, Bassett teaches an automation system that can connect a microprocessor control device to various appliances, including a lawn sprinkler system (Col. 1, line 38; Col. 2, lines 9-13 '191). Further still, the invention of Bassett allows for performing diagnostic and analysis functions of said sprinkler system (Col. 2, line 13-20 of '191).

One of ordinary skill in the art would have been motivated to combine Doherty with the teachings of either Ransburg or Miller, because Doherty teaches a system for effective implementation of a residential gateway system for automated control of residential devices, such as a sprinkler (Page 3, paragraph 0026; Page 3, claim 2 of '295).

10. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,479,339 to Miller (See IDS filed 2/23/04) as applied to claims 12 and 15, and further in view of U.S. Pat. No. 6,697,712 to Bertini.

Referring to claims 13 and 17, Miller teaches a computer with a modem (Col. 5, lines 41-60 of '339).

Referring to claims 13 and 17, Miller teaches all the limitations disclosed above, however, Miller fails to teach the system above, wherein at least one of said one or more

landscaping database is a global database accessible to said moisture controller via a network connection.

However, referring to claims 13 and 17, Bertini teaches analogous art, wherein landscaping database is a global database accessible to a moisture controller via a network connection (Col. 5, lines 7-29 of '712).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to combine the teachings of Bertini with the teachings of Miller.

One of ordinary skill in the art would have been motivated to combine Bertini with the teachings of Miller, because Bertini teaches a distributed feed system that includes a communication network including a central database for transmitting data relating to the central feed via the network (Col. 3, lines 5-10 of '712).

11. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,479,339 to Miller (See IDS filed 2/23/04) as applied to claims 12 and 15, and further in view of U.S. Pub. No. 2003/0182022 to Addink.

Referring to claims 13 and 17, Miller teaches a computer with a modem (Col. 5, lines 41-60 of '339).

Referring to claims 13 and 17, Miller teaches all the limitations disclosed above, however, Miller fails to teach the system above, wherein said one or more weather databases include one or more weather databases accessible via the Internet.

However, referring to claims 13 and 17, Addink teaches analogous art, wherein weather database is accessible via the Internet (Page 5, paragraph 42 of '022).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to combine the teachings of Addink with the teachings of Miller.

One of ordinary skill in the art would have been motivated to combine Addink with the teachings of Miller, because Addink teaches an interactive irrigation system (title of '022) that assists an irrigation user in attaining more efficient irrigation of an irrigated area. Furthermore, Addink teaches a system that allows for remote communication with an irrigation controller over the Internet (Page 1, paragraph 11 of '022).

12. Claims 5-7 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,479,339 to Miller (See IDS filed 2/23/04) as applied to claims 4 and 22 above, and further in view of U.S. Pat. No. 5,400,815 to Whitehill.

Referring to claims 6 and 24, Miller teaches the system above, wherein said data specific to each landscaping element further includes a recommended moisture level for at least one of said landscaping elements (Col. 2, lines 10-16 of '339).

Referring to claims 7 and 25, Miller teaches the system above, wherein said data specific to each landscaping element further includes the soil type(s) in which the landscaping elements are planted (Col. 5, line 23 of '339).

Referring to claims 5 and 23, Miller teaches all the limitations disclosed above, however, Miller fails to teach the system above, wherein said data specific to each landscaping element further includes the age of at least one of said landscaping elements.

However, referring to claims 5 and 23, Whitehill teaches analogous art, wherein data specific to each landscaping element further includes the age of at least one of said landscaping elements (Col. 2, lines 23-49 of '815).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to combine the teachings of Whitehill with the teachings of Miller.

One of ordinary skill in the art would have been motivated to combine Whitehill with the teachings of Miller, because Whitehill teaches an irrigation system controller (Col. 1, lines 6-20 of '815) that accounts for cumulative ET and performs automatic adjustments in response thereto, wherein the ET values are a function of crop age (Col. 2, line 23 – Col. 3, line 68 of '815)

13. Claims 8 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,479,339 to Miller (See IDS filed 2/23/04) as applied to claims 1 and 19 above, and further in view of U.S. Pat. No. 6,763,845 to Hoggard.

Miller teaches all the limitations disclosed above, however, Miller fails to teach the system above, wherein, referring to claims 8 and 26, said controlling of moisture flow includes the draining of all moisture delivery systems and ceasing of moisture delivery when said weather data indicates a temperature at the landscaping area has reached a predetermined threshold temperature.

However, Hoggard teaches analogous art, wherein referring to claims 8 and 26, Hoggard teaches controlling of moisture flow includes the draining of all moisture delivery systems and ceasing of moisture delivery when said weather data indicates a temperature at the landscaping

area has reached a predetermined threshold temperature (Col. 5, line 53 – Col. 6, line 14; Abstract; Col. 1, lines 5-19 of '845).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to combine the teachings of Hoggard with the teachings of Miller.

One of ordinary skill in the art would have been motivated to combine Hoggard with the teachings of Miller, because Hoggard teaches an automatic water drainage/refill system for use with various weather exposed, water utilizing devices, such as lawn sprinklers (Col. 1, lines 62-68 of '845). Furthermore, Hoggard teaches a thermostat unit that keeps a water freeze prevention device in a dormant state until one of the two pre-selected threshold temperatures is reached, and further, the ability to vary this range (Col. 6, lines 1-14 of '845).

14. Claims 9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,479,339 to Miller (See IDS filed 2/23/04) as applied to claims 1 and 19 above, and further in view of U.S. Pat. No. 5,870,302 to Oliver (See IDS filed 2/23/04), and further in view of U.S. Pat. No. 6,763,845 to Hoggard.

Miller teaches all the limitations disclosed above, however, Miller fails to teach the system above, wherein, referring to claims 9 and 27, controlling of moisture flow includes the draining of all moisture delivery systems and ceasing of moisture delivery when said weather data indicates a forecast temperature for the landscaping area of a predetermined threshold temperature.

However, Oliver teaches analogous art, wherein referring to claims 9 and 27, Oliver teaches controlling of moisture flow includes the draining of all moisture delivery systems and

ceasing of moisture delivery when weather data indicates a forecast temperature for the landscaping area (Col. 6, lines 45-58 of '302).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to combine the teachings of Oliver with the teachings of Miller.

One of ordinary skill in the art would have been motivated to combine Oliver with the teachings of Miller, because Oliver teaches an automated irrigation control system that can predict weather conditions and computer watering factors therefrom (Col. 3, line 10 – Col. 4, line 32 of '302).

Referring to claims 9 and 27, Oliver fails to teach controlling of moisture flow as a function of a predetermined threshold temperature.

However, Hoggard teaches analogous art, wherein referring to claims 8 and 26, Hoggard teaches controlling of moisture flow includes the draining of all moisture delivery systems and ceasing of moisture delivery when said weather data indicates a temperature at the landscaping area has reached a predetermined threshold temperature (Col. 5, line 53 – Col. 6, line 14; Abstract; Col. 1, lines 5-19 of '845).

Therefore, it would have been obvious to one of ordinary skill in the art at the time that the invention was made to combine the teachings of Hoggard with the teachings of Miller.

One of ordinary skill in the art would have been motivated to combine Hoggard with the teachings of Miller, because Hoggard teaches and automatic water drainage/refill system for use with various weather exposed, water utilizing devices, such as lawn sprinklers (Col. 1, lines 62-68 of '845). Furthermore, Hoggard teaches a thermostat unit that keeps a water freeze

prevention device in a dormant state until one of the two pre-selected threshold temperatures is reached, and further, the ability to vary this range (Col. 6, lines 1-14 of '845).

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (703) 305-7798. The examiner can normally be reached on 9:30am-6:00pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPS

Sean P. Shechtman

July 24, 2004


ALBERT W. PALADINI
PRIMARY EXAMINER